



PUBLIC NOTICE

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Report No. SCL-00444

Thursday December 7, 2023

Actions Taken Under Cable Landing License Act

Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 CFR § 1.767(a))

By the Chief, Telecommunications and Analysis Division, Office of International Affairs:

Pursuant to an Act relating to the landing and operation of submarine cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 CFR § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules. 47 CFR § 0.261. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules may be filed within thirty (30) days of the date of this public notice. 47 CFR §§ 1.106, 1.115.

These applications have been coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules and consistent with procedures established with the Department of State. 47 CFR § 1.767(b); see Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

This public notice serves as each cable landing licensee's Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. 47 CFR §§ 1.767, 1.768. Cable landing licensees should review the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

Modification

Grant of Authority

Date of Action: 12/06/2023

GCI Communication Corp. (GCICC) filed an application for authority to modify the cable landing license for the AU-Aleutian Submarine Cable System (AU-Aleutian), SCL-LIC-20171031-00024, to include two new cable segments with new cable landings in Port Lions and Ouzinkie, Alaska. On September 15, 2023, GCICC filed a supplement that describes the new cable segments and capacity held, by segment, on the AU-Aleutian system. See Submarine Cable Landing License Applications, Accepted for Filing, Report No. SCL-00434S, Public Notice (OIA Oct 6, 2023). No comments or oppositions were filed in response to the Public Notice.

The Application has been coordinated with the Department of State as required by Executive Order 10530, pursuant to section 1.767(b) of the Commission's rules, and consistent with the established Department of State procedures. Executive Order 10530, Section 5(a) reprinted as amended in 3 U.S.C. § 301; 47 CFR §1.767(b); Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022)

In the Executive Branch Review Process Order, the Commission set out types of applications that would generally be referred to the Executive Branch for review for national security, law enforcement, foreign policy, and trade policy issues. See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket 16-155, Report and Order, 35 FCC 10927, 10935-36, para. 24 (2020); see also 47 CFR § 1.40001(a)(1). Those applications do not include cable landing license applications where there is no reportable foreign ownership as is the case here. Therefore, we did not refer this application to the Executive Branch agencies. Although we did not formally refer this application, we provided a courtesy copy of the Accepted for Filing Public Notice to the Executive Branch agencies due to the request from GCICC to condition grant of the application on compliance with its June 3, 2019 Letter of Assurances (see below).

The AU-Aleutian system is a non-common carrier cable system that consists entirely of U.S. domestic landing points. The Commission granted a cable landing license, as amended, to GCICC for the AU-Aleutian cable in 2019. See Actions Taken Under Cable Landing License Act, SCL-LIC-20171031-00024, SCL-AMD-20180801-00028, Report No. SCL-00243 Public Notice, DA 19-567 (IB June 17, 2019). The two new segments (Segment 13 and Segment 14) will connect the new landing points, both located on Kodiak Island, to branching units located on Segment 1. AU-Aleutian currently provides commercial service for 7 of the 12 authorized landing points and GCICC expects to commence commercial service at the remaining landing points, including the new landing points, between 2024 and 2026.

The AU-Aleutian system is approximately 1,491 kilometers in length with 16 segments and 14 landing points. Segment 1, Kodiak to Larson Bay, will include the 2 new segments, and consist of the following 3 segments: (a) Segment 1A, Kodiak to Ouzinkie Branch Unit (BU), 16.5 Kilometers, 12 fiber pairs; (b) Segment 1B, Ouzinkie BU to Port Lions BU, 18.7 kilometers, 12 fiber pairs, and (c) Segment 1C, Port Lions BU to Larson Bay, 121.8 Kilometers, 12 fiber pairs; Segment 2, Larson Bay to Chignik Bay, 367.2 Kilometers, 6 fiber pairs; Segment 3, Chignik Bay to Perryville BU, 135.5 kilometers, 6 fiber pairs; Segment 4, Perryville BU to Sand Point, 120.3 kilometers, 6 fiber pairs; Segment 5, Sand Point to King Cove, 175.9 kilometers, 6 fiber pairs; Segment 6, King Cove to False Pass BU, 60.7 kilometers, 6 fiber pairs; Segment 7, False Pass BU to Akutan BU, 212 kilometers, 6 fiber pairs; Segment 8, Akutan BU to Dutch Harbor, 58.5 kilometers, 6 fiber pairs; Segment 9, Akutan to Akutan BU, 27.3 kilometers, 6 fiber pairs; Segment 10, False Pass to False Pass BU, 44.2 kilometers, 6 fiber pairs; Segment 11, King Cove to Cold Bay, 43.1 kilometers, 6 fiber pairs; Segment 12, Perryville to Perryville BU, 45.9 kilometers, 6 fiber pairs; Segment 13 (Port Lions to Port Lions BU, 7.9 kilometers, 6 fiber pairs; Segment 14, Ouzinkie to Ouzinkie BU, 1.2 Kilometers, 6 fiber pairs; Segment 15, Chignik Bay to Chignik Lagoon, 16.5 kilometers, 12 fiber pairs; and Segment 16, Chignik Lagoon to Chignik Lake, 18.2 kilometers, 12 fiber pairs.

AU-Aleutian has the following landing points: (1) Akutan, (2) Dutch Harbor, (3) False Pass, (4) King Cove, (5) Cold Bay, (6) Sand Point, (7) Perryville, (8) Chignik Bay, (9) Chignik Lagoon, (10) Chignik Lake, (11) Larsen Bay, (12) Kodiak, (13) Port Lions, and (14) Ouzinkie.

According to the Applicant, the new landing points at Port Lions and Ouzinkie, both located on Kodiak Island, are cable landings in connection with a larger fiber buildout designed to bring 2 Gbps of fiber service to more than half a dozen remote communities in Alaska. The fiber build will be funded through the Tribal Broadband Connectivity Program of the National Telecommunications and Information Administration (NTIA), of which Port Lions is a grantee, with GCICC as the subgrantee.

GCICC will own and operate the entire AU-Aleutian system, including the wet links for all 16 segments and cable landing facilities (cable landing stations/equipment huts and beach manholes) for all 14 landing points in Alaska.

GCICC is a direct, wholly-owned subsidiary of GCI Holdings, Inc. (GCI Holdings), which, in turn, is wholly owned by Ventures Holdco, LLC (Ventures Holdco), both Delaware entities. Ventures Holdco is wholly owned by GCI, LLC (GCI) which is wholly owned Grizzly Merger Sub 1 LLC (Grizzly), which, in turn, is wholly-owned by Liberty Broadband Corporation (Liberty Broadband), all Delaware entities. Dr. John C. Malone, a U.S. citizen, holds an approximate 48.9% voting interest and an approximate 6.074% equity interest in Liberty Broadband. Liberty Broadband's shares trade publicly on the NASDAQ exchange. GCICC states that it has no other 10% or greater direct or indirect voting or equity interest holders.

GCICC shall comply with the routine conditions specified in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g), and with the requirements of section 1.768 of the Commission's rules, 47 CFR § 1.768 (Notification by and prior approval for submarine cable landing licenses that are or propose to become affiliated with a foreign carrier).

GCI Communication Corp. made commitments regarding potential national security, law enforcement and public safety issues related to the AU-Aleutian cable in a June 3, 2019 Letter of Assurances from Dan Boyette, V.P. and General Manager, AU-Aleutian Program, GCI Communications Corp. to the Assistant Secretary for Border, Immigration, and Trade, Office of Policy, U.S. Department of Homeland Security (2019 LOA). GCICC requests that the Commission condition grant of this modification request on compliance with the 2019 LOA. Accordingly, grant of this application is conditioned on the continued compliance by GCICC with the continued commitments made in the 2019 LOA. A copy of the 2019 LOA is publicly available and may be viewed on the FCC's website through the International Communications Filing System (ICFS) by searching for SCL-MOD-20230803-00022 and accessing the "Other Filings related to this application" from the Document Viewing Area.

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A failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the cable landing license and thus grounds for declaring the license terminated without further action on the part of the Commission. Failure to meet a condition of this authorization may also result in monetary sanctions or other enforcement action by the Commission.
